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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,550	09/15/2003	Eric Cosatto	2000-0042Con	2283
26652	7590	08/30/2007		
AT&T CORP. ROOM 2A207 ONE AT&T WAY BEDMINSTER, NJ 07921			EXAMINER HAJNIK, DANIEL F	
			ART UNIT	PAPER NUMBER
			2628	
			MAIL DATE	DELIVERY MODE
			08/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/662,550	COSATTO ET AL.	
	Examiner	Art Unit	
	Daniel F. Hajnik	2628	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


ULKA CHAUHAN
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that evidence in Hon has been ignored in the 35 USC 103(a) analysis by the office and that the prior art allegedly teaches away from the combination (pages 1-4). The examiner respectfully submits that all the previously written office actions have taken all such evidence into account including the references of Ezzat, Jiang, and Hon.

Applicant further alleges that when each reference is analyzed in their respective contexts, the references teach away from the combination (bottom of page 6). The examiner respectfully maintains that the references when analyzed in their respective contexts actually suggest the opposite and suggest reasons to combine these references. For example, Ezzat states in the abstract, "We present ... a text-to-audiovisual speech synthesizer". Hon states in the first paragraph under section 1, "In [4][7], we have presented Whistler: Microsoft's Trainable Text-to-Speech (TTS) System ... In this paper, we will describe in detail the design issues and improvements we made to the construction the synthesis unit inventory automatically from speech database". Given that both of these references deal with generating audio as well as video streams (as explained in previously written office actions), the examiner does not see how one of ordinary skill in the art can find these references to be in such conflict as to suggest teaching away from one another. In contrast, given the similarity of their scope of the problems they are attempting to solve, this would suggest to one of ordinary skill in the art to combine ideas from each reference.

Applicant further points to the fact that Hon teaches against the use of diphones to support their argument that references teach against combining (pages 4-7). However, in the context of Hon, the criticism of Hon with diphones is referring to is the selection or decision process used to match diphones in existing diphone systems (1st paragraph under section 2.1). Hon prefers the use of the their specialized (Whistler) decision tree (1st paragraph of section 4) match or select audio elements together (bottom of 1st col on first page). Thus, Hon is not criticizing the use of phonemes (which are essential a unit of sound) but rather the process to select or match them through diphones (which is a pair or transition of phonemes). If one looks at the office action mailed out 6/26/2006, this improvement in the selection process to match phonemes is the very reason why Hon is combined with Ezzat (see 1st full paragraph of page 4 in office action). Further, the motivation provided for combining the prior art is the improvement in the decision or matching process that Hon offers (bottom of page 4 in office action) through their decision tree. Thus, the examiner feels that Hon is an enhancement to the technology of Ezzat, and one of ordinary skill in the art would be motivated to combined Ezzat and Hon. Hon can solve deficiencies or problems in selection process by using their decision tree to improve Ezzat..